

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 08-CR-197

JUSTIN B. HAGER,

Defendant.

ORDER

On May 15, 2009, defendant Justin Hager was sentenced to a 46-month term of imprisonment followed by a 3-year term of supervised release following his plea of guilty to a single count information charging conspiracy to possess with intent to distribute heroin and distribution of heroin. Hager's federal sentence was ordered to run concurrent with the state sentences he is currently serving at the Racine Correctional Institution, in reference to state court convictions in Racine County Circuit Court Case No. 05CF337, and Waukesha County Circuit Court Case No. 05CF501. His projected release date from state custody is April 19, 2012.

On June 8, 2009, Hager filed a motion (Docket #570) with this court requesting that the federal detainer lodged against him on June 8, 2009, be vacated in order that he be eligible for entry into Wisconsin's inmate earned release program. At the same time, he further suggests that the pendency of the federal detainer is no longer valid.

Although it is certainly true that the sentence imposed by this court was ordered to run concurrent with the sentences imposed in the circuit courts of Racine and Waukesha Counties, contrary to the defendant's belief, the federal detainer is required to ensure that he be turned over to federal authorities upon release from state custody. At that juncture, the Bureau of Prisons will make an administrative determination as to whether any additional time in federal custody is required to satisfy the terms of the defendant's federal sentence. Unfortunately, it appears that the presence of the federal detainer carries with it the stigma of ineligibility for Wisconsin's early release program – a matter left to the prerogatives of the executive branch of state government, in this case, the Wisconsin Department of Corrections.

Accordingly,

IT IS ORDERED that the defendant's motion to vacate the federal detainer currently lodged against him (Docket #570) be and the same is hereby **DENIED**.

Dated at Milwaukee, Wisconsin, this 5th day of October, 2009.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J.P. Stadtmueller", is written over a horizontal line.

J.P. Stadtmueller
U.S. District Judge